

Via ECF

August 31, 2023

The Honorable Nina Gershon
United States District Judge
The Honorable James Cho
United States Magistrate Judge
United States District Court for the Eastern
District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Joint Status Report: Albertson Water District v. The Dow Chemical Co. et al.*, No. 2:18-cv-7282-NG-JRC, and Related Cases (the “non-SCWA Cases”)¹

Dear Judge Gershon and Judge Cho:

The parties hereby provide the Court with an update on discovery in the 27 non-SCWA Cases, as required by the Third Supplemental Case Scheduling Order. ECF 358.

Under the Court’s February 17, 2021 Order (ECF 168), the only deposition discovery to be conducted in these cases at this time is discovery of the plaintiffs and third-party witnesses. Depositions of plaintiffs’ representatives began last summer and have continued through the summer of this year. Rule 30(b)(6) depositions of 20 of the 27 plaintiffs have been completed or are scheduled to be completed by the end of September, totaling over 40 days of deposition

¹ The following are the Related Cases: (1) *Board of Commissioners of the Manhasset-Lakeville Water District*, No. 19-cv-00085; (2) *Bethpage Water District*, 19-cv-01348; (3) *Carle Place Water District*, 18-cv-07279; (4) *Franklin Square Water District*, 19-cv-02975; (5) *Garden City Park Water District*, 18-cv-07277; (6) *Greenlawn Water District*, 19-cv-03059; (7) *Hicksville Water District*, 19-cv-05632; (8) *Incorporated Village of Garden City*, 19-cv-03197; (9) *Incorporated Village of Hempstead*, 19-cv-03570; (10) *Incorporated Village of Mineola*, 19-cv-02973; (11) *Jericho Water District*, 18-cv-07281; (12) *Locust Valley Water District*, 19-cv-02490; (13) *New York American Water Company, Inc.*, 19-cv-02150; (14) *Oyster Bay Water District*, 18-cv-07272; (15) *Plainview Water District*, 19-cv-01351; (16) *Port Washington Water District*, 18-cv-07266; (17) *Roslyn Water District*, 18-cv-07269; (18) *South Farmingdale Water District*, 19-cv-01404; (19) *South Huntington Water District*, 19-cv-05825; (20) *Town of Hempstead*, 19-cv-05775; (21) *Town of Huntington and Dix Hills Water District*, 19-cv-02986; (22) *Village of Farmingdale*, 23-cv-02254; (23) *Water Authority of Great Neck North*, 18-cv-07271; (24) *Water Authority of Western Nassau County*, 19-cv-02974; (25) *West Hempstead Water District*, 18-cv-07278; and (26) *Westbury Water & Fire District*, 19-cv-02990.

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testimony. The parties continue working together to schedule further depositions of Plaintiffs' 30(b)(6) witnesses and other deponents.

The parties also have exchanged initial proposals for further discovery and/or case prioritization. The parties have agreed to continue discussions and to provide a further update to the Court by September 20, 2023.

Accordingly, the parties respectfully request until September 20, 2023, to present the Court with a joint proposal on further discovery and/or case prioritization in the non-SCWA Cases, or, if the parties cannot agree to a joint submission, to submit separate proposals for the Court's consideration.

If the Court has any questions, please do not hesitate to let us know. The parties thank the Court for its attention and courtesies.

Respectfully submitted,

/s/ Nader R. Boulos

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² The Sher Edling firm represents all Plaintiffs in these related cases except Plaintiffs New York American Water (19-cv-2150) and Hicksville Water District (19-cv-5632).

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